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Dated: April 3, 2006

Signature:

*Michael J. Doherty*

(Michael J. Doherty)

Docket No.: SPINE 3.0-441 CONT CONT  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Ralph et al.

Application No.: 10/667,034

Group Art Unit: 3733

Filed: September 22, 2003

Examiner: E. C. Robert

For: POROUS INTERVERTEBRAL DISTRACTION  
SPACERS

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed October 31, 2005, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner asserts that the application contains claims directed to the following patentably distinct species of the claimed invention:

Species	Representative Figure
1 (spacer 100)	1a
2 (spacer 200)	2a
3 (spacer 300)	3a
4 (spacer 400)	4a

In response to the election of species requirement, Applicants elect species four (4), FIG. 4a, with claims 1-4, 6-11 and 13 being readable thereon. Applicants reserve the right to file a divisional application corresponding to the non-elected claims.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: April 3, 2006

Respectfully submitted,

By Michael J. Doherty  
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